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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,070	03/08/2001	John M. Verbil	1830 USW 0626 PUS	5328
22193	7590	11/02/2004	EXAMINER	
QWEST COMMUNICATIONS INTERNATIONAL INC LAW DEPT INTELLECTUAL PROPERTY GROUP 1801 CALIFORNIA STREET, SUITE 3800 DENVER, CO 80202			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/802,070

**Applicant(s)**

VERBIL ET AL.

**Examiner**

REXFORD N BARNIE

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) 18 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/29/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaish et al. (US Pat# 5,633,924, cited by applicant) in view of Miloslavsky (US Pat# 6,289,094) or Charalambous et al. (US Pat# 5,530,744).

Regarding claim 1, Kaish teaches in (cols. 3-5 and figs.2-3) a telecommunication system for call queuing utilization information in an intelligent network comprising:

receiving a plurality of calls to access subscriber line;

placing each received call in a queue associated with the subscriber if the line is busy, the queue implemented within the network;

collecting queue utilization information about each queued call and generating a record and generating call statistics based on queue information in (see col.6).

Kaish fails to teach gathering and formatting statistics information using an element associated with an element associated with the SCP system or intelligent peripheral means in detail.

Miloslavsky teaches an advanced intelligent network wherein call queue information can be gathered and compiled as statistics by an element associated with the SCP which could be an intelligent peripheral in (see col. 9 line 64-col. 10 line 12, col. 11 lines 27-38, lines 56-63, col. 12 lines 10-38).

Charalambous et al. teaches a method and system for dynamic customized call routing comprising of switches, NCP or SCP and the capability of gathering call queue statistics using SCP elements in (see fig. 2 and col. 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Miloslavsky or Charamboulous thus making it possible to gather network resources performance and to make changes, if necessary to increase call revenue.

Regarding claims 2-5, see the explanation as set forth regarding claim 1.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaish et al. (US Pat# 5,633,924) in view of Miloslavsky (US Pat# 6,289,094) or Charalambous et al. (US Pat# 5,530,744) and further in view of Cox (US Pat# 6,011,838).

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Regarding claims 6-8, the combination fails to teach enabling a client to access traffic or usage data over the internet.

Cox teaches a process and system for measuring usage measurement wherein a subscriber can access or receive usage data over the internet in (see col. 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cox into that of the combination thus making it possible to study traffic information associated with one's telephone number and take measures if needed to maximize efficiency and utilize resources effectively.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaish et al. (US Pat# 5,633,924) in view of Miloslavsky (US Pat# 6,289,094) or Charalambous et al. (US Pat# 5,530,744) and further in view of Hartmeier (US pat# 5,864,616).

Regarding claims 6-8, the combination fails to teach enabling a client to access traffic or usage data over the internet.

Hartmeier teaches a system and method for providing call statistics in real-time comprising of being able to receive usage information remotely over a TCP/IP communication system in (see disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hartmeier into that of the combination thus making it possible to study traffic information associated with one's

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telephone number and take measures if needed to maximize efficiency and utilize resources effectively.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (US Pat# 6,289,094) in view of Kaish et al. (US Pat# 5,633,924).

Regarding claim 9, Miloslavsky teaches a system for reporting utilization of subscriber line call queues, the system comprising of a plurality of intelligent peripherals wherein each implements at least one call queue with at least one SCP in communication with intelligent peripheral and a data server in communication with the SCP in (see fig.2B, column 12, col. 11 lines 56-63, col. 9 line 64-col.10).

Miloslavsky fails to teach implicitly the various type of information which can be gathered and stored.

Kaish teaches a telecommunications network with integrated call distribution wherein usage information can be gathered and stored including agent queue information and call waiting queue information in (see fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of kaish into that of Miloslavsky thus making it possible to gathered information about a plurality of resources and to make modification, if necessary.

Regarding claim 10, The combination including Kaish teaches a queuing functionality of the ACD network control point as shown in (fig. 2, elements 70 and 72) and call placing function, as in column 5 lines 40-58.

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Regarding claim 11, The combination teaches data distributor unit for gathering information about call processing.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (US Pat# 6,289,094) in view of Kaish et al. (US Pat# 5,633,924) and further in view of Hartmeier (US pat# 5,864,616).

Regarding claims 12-15, the combination fails to teach enabling a client to access traffic or usage data over the internet.

Hartmeier teaches a system and method for providing call statistics in real-time comprising of being able to receive usage information remotely over a TCP/IP communication system in (see disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hartmeier into that of the combination thus making it possible to study traffic information associated with one's telephone number and take measures if needed to maximize efficiency and utilize resources effectively.

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Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (US Pat# 6,289,094) in view of Kaish et al. (US Pat# 5,633,924) and further in view of Cox (US Pat# 6,011,838).

Regarding claims 12-15, the combination fails to teach enabling a client to access traffic or usage data over the internet.

Cox teaches a process and system for measuring usage measurement wherein a subscriber can access or receive usage data over the internet in (see col. 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cox into that of the combination thus making it possible to study traffic information associated with one's telephone number and take measures if needed to maximize efficiency and utilize resources effectively.

Claims 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (US Pat# 6,289,094) in view of Kaish et al. (US Pat# 5,633,924).

Regarding claim 16, Miloslavsky teaches an advanced intelligent system comprising of an intelligent peripheral which reads on either element (330) or the T-server/sat (207 or 270) and a service control point which collect queue utilization information in (see col. 12 lines 5-21). Furthermore, statistical data can be generated.

Miloslavsky fails to teach implicitly the various type of information which can be gathered and stored.



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Kaish teaches a telecommunications network with integrated call distribution wherein usage information can be gathered and stored including agent queue information and call waiting queue information in (see fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaish into that of Miloslavsky thus making it possible to gathered information about a plurality of resources and to make modification, if necessary.

Regarding claim 17, the combination including Kaish anticipates the claimed limitations based on the teaching of queuing functionality of the ACD network control point, connecting the subscriber and the caller at the central switch and determination of subscriber line being idle.

Regarding claim 19, The combination teaches the claimed subject matter.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (US Pat# 6,289,094) in view of Kaish et al. (US Pat# 5,633,924) and further in view of Cox (US Pat# 6,011,838).

Regarding claims 20-23, the combination fails to teach enabling a client to access traffic or usage data over the Internet.

Cox teaches a process and system for measuring usage measurement wherein a subscriber can access or receive usage data over the internet in (see col. 10).

Therefore, it would have bee obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cox into that of the combination

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thus making it possible to study traffic information associated with one's telephone number and take measures if needed to maximize efficiency and utilize resources effectively.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaish et al. (US pat# 5,633,924) in view of Miloslavsky (US Pat# 6,289,094) or Charalambous et al. (US Pat# 5,530,744).

Regarding claim 24, Kaish teaches an advanced intelligent network in (see fig. 1) with elements 46, 48, 50, 16 and 20. Furthermore, Kaish teaches an intelligent peripheral (ACD network control point, 46) in communication with switches 16, 18, 20, 22, 24 and 26 and network control point 48 and signal transfer point anticipates SCP. The TAT and NEL functionality are anticipated by call waiting and agent queue functions of the ACD terminal. The queue functionality of the ACD network control point as shown in (see fig. 2, elements 70 and 72 and call placing function in column 5 lines 40-58) anticipates IP in communication with the SCP regarding status of subscriber being idle for instance. Furthermore, according to (see col. 3 line 44-col. 40 that the SCP and IP (ACD NCP) would be in communication to controlling call completing calls and other information including send messages through a switch to update a call queue. Furthermore, call queue information can be gathered based on collected information.

Kaish fails to teach gathering and formatting statistics information using an element associated with an element associated with the SCP system or intelligent peripheral means in detail.

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Miloslavsky teaches an advanced intelligent network wherein call queue information can be gathered and compiled as statistics by an element associated with the SCP which could be an intelligent peripheral in (see col. 9 line 64-col. 10 line 12, col. 11 lines 27-38, lines 56-63, col. 12 lines 10-38).

Charalambous et al. teaches a method and system for dynamic customized call routing comprising of switches, NCP or SCP and the capability of gathering call queue statistics using SCP elements in (see fig. 2 and col. 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Miloslavsky or Charamboulous thus making it possible to gather network resources performance and to make changes, if necessary to increase call revenue.

Regarding claim 25, the combination teaches TAT and NEL in the form of call waiting and agent queue functionality.

#### ***Allowable Subject Matter***

Claims 18 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
10/29/04

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